Testimony of Governor Frank Keating (Oklahoma)

House Subcommittee on Terrorism and Homeland Security

New York City Field Hearing- October 29, 2001

I am grateful to the Subcommittee for the opportunity to be with you today, and I look forward to joining you in exploring issues of vital importance to our nation.

As you know, I had the honor of taking the role of a state governor in the recent *Dark Winter* exercise. The scenario of that exercise was different from the real-life crisis we faced in Oklahoma on April 19, 1995, but the fundamental principles were the same. In both instances, our tasks as leaders of local, state and federal agencies were to respond to a terrorist assault in ways that protected and preserved lives and property, assured accountability and justice for those who were responsible for the attack and protected the national security. I was honored to share my own experiences from Oklahoma City with the group, and I am equally honored to bring what perspective I can to today's hearing.

In that respect, I want to review very briefly what happened in Oklahoma City in 1995, and then relate the lessons we learned there to the experiences we shared at the *Dark Winter* exercise, and to the issues before the subcommittee.

You will recall that a massive terror bomb was detonated at 9:02 a.m. on April 19, 1995, in front of the Murrah Federal Office Building in the heart of our community. It killed 168 people, injured hundreds more and severely damaged many dozens of buildings. The rescue and recovery efforts that followed, and the criminal investigation, were both the most massive of their kind in American history. These efforts threw together, literally overnight, more separate agencies from the local, state and federal governments than had ever worked cooperatively on a single task. The outcome could have been chaotic -- it has been before when far fewer agencies tried to coordinate their efforts on much more discrete and manageable tasks. But the outcome in Oklahoma City was not chaos. Later, observers would coin the label "The Oklahoma Standard" to refer to the way our city, state and nation came together in response to this despicable act.

I think what happened in Oklahoma City in 1995 served as a model for the *Dark Winter* participants, and I believe it should also help guide the subcommittee's deliberations today. Simply put, we did it right in 1995. The principles behind The Oklahoma Standard can help govern our nation's future course in responding to the terrorist threat.

On April 19, 1995, every injured person was cared for promptly and with great skill and compassion -- in fact, at the closest hospital to the blast site, every arriving ambulance was met by an individual physician assigned to a specific victim. Of several dozen victims deemed critically injured on that day, only one who made it to the hospital alive subsequently died.

Every deceased victim was recovered, and all remains were restored to the families for burial, promptly and with great sensitivity.

Key evidence that would lead to the apprehension, conviction and eventual execution of the primary perpetrator of the crime was in law enforcement hands within minutes after the explosion. A local deputy sheriff found and recorded the serial number from the bomber's vehicle at almost the same moment that a state trooper was arresting the suspect some miles away.

The criminal case built over the next few weeks was simply overwhelming. It assured our victims, and our society, of justice.

Finally, our national security was protected. As I am sure the subcommittee members know, local and federal authorities in the months and years after the Oklahoma City bombing directed new attention to potentially dangerous domestic insurgent groups, defusing a number of similar terrorist plots before anyone was hurt. Congress also passed stronger anti-terrorism legislation.

The *Dark Winter* scenario involved a foreign source of terrorism, not one of our own citizens. In *Dark Winter*, the weapon was bacterial rather than explosive. But in virtually every other respect, these two scenarios shared these key

goals and principles:

-- To protect, preserve and save lives and property;

-- To hold accountable those responsible for terrorism;

-- To protect and advance America's interests and security.

Those are the three fundamental challenges presented by any terrorist attack, from a bomb to biological assault to the nightmare of a clandestine nuclear confrontation. I think it is instructive to compare how we pursued those goals in Oklahoma City with the outcomes of the *Dark Winter* scenario, and to look at how that comparison might reflect on future policy.

It is also instructive to review the results of the exercise in light of the current national concern over a very real bioterrorist assault that is unfolding as we meet here today.

The anthrax-contaminated mailings to a number of our public and private institutions have already claimed lives. They have already caused widespread concern -- and some panic. And they have already shown us that even the best equipped agencies of our government must face a steep learning curve when they confront a new and unique threat.

As in *Dark Winter*, the real-life bioterrorism threat has already crossed jurisdictional boundaries, and in come cases resulted in mixed messages emerging from different agencies and levels of government, often on the same day. In particular, the tragic deaths of postal workers in Washington, along with illnesses among other postal workers in New Jersey, indicate that the initial assessment of the virulence of this bacterial agent was less than correct. Our goal today should not be to cast blame; it should be to identify certain basic principles that should govern our continuing response to this threat, and our planned responses to those in the future.

The fundamental first principle must be the one we learned in the field and under fire in Oklahoma City in 1995: The first responders are the most important responders. They are the people who will save lives.

The conclusions drawn by a series of after-action analyses from Oklahoma City are remarkably similar. I will consolidate those conclusions into five basic findings, compare them to what we did (or did not do) at *Dark Winter*, and suggest resulting policy implications:

1. Recognize that in virtually every possible terrorism scenario, first responders will be local.

In Oklahoma City, the true heavy lifting of the initial rescue and recovery operations, as well as the key evidence collection that led to a successful criminal prosecution, was the task of local fire, police and emergency medical personnel. In fact, the real first responders were not even public employees; they were bystanders and co-workers of the trapped and injured, who often shrugged off their own injuries and got up out of the rubble to help others. The first Federal Emergency Management Agency Urban Search and Rescue Task Force did not reach Oklahoma City until late on the night of April 19 -- several hours after the last living victim had been extracted from the wrecked building. That Task Force, and the ten that followed it, were absolutely essential to the conduct of the successful recovery operations that followed, but it is important to note that even those FEMA USAR Task Forces are drawn from local police and fire departments.

As an example, many of the FEMA USAR Task Forces brought structural engineers to Oklahoma. They were able to work closely in planning the search and recovery operation with the local architect who had designed and built the Murrah Building in the 1970s. Who was better prepared and qualified for this crucial task? Neither party was; it was a true cooperative effort, blending federal and local resources to achieve outstanding results that allowed many hundreds of rescue workers to labor around the clock in a devastated and unstable structure without serious injury to any of those involved.

In the *Dark Winter* scenario, as in virtually any real-world terrorist assault, the first responders will also be local. The federal government does not maintain rapid response teams in any area of expertise close enough to any potential terrorist target, save perhaps the White House, to allow them to be first on the scene. In *Dark Winter*, local private

physicians and public health officials were the first to detect cases of smallpox. Local government and law enforcement agencies were the ones with the power to impose and enforce quarantines, curfews and states of martial law, to disseminate information through local media and to collate and forward epidemiological data to federal agencies such as the Centers for Disease Control in Atlanta. Local law enforcement would be the ones to discover, preserve and secure any available crime scenes or evidence. As in Oklahoma City, the preponderance of personnel, vehicles, equipment and even the volunteer force of blood donors, Salvation Army canteen operators and the people who showed up to do laundry for the FEMA USAR Task Force members will necessarily be drawn from local resources.

2. Insist that teamwork is not just desirable -- it is possible.

The after action reports from Oklahoma City noted that agencies from various levels and jurisdictions which had not traditionally worked closely in the past did so to a remarkable extent at the Murrah Building site, and in the ensuing criminal investigation. They even did so in overcoming what was a huge potential initial hurdle -- the conflicting purposes of those who were working through the rubble to extract the dead and those who saw the same rubble pile as a vast crime scene to be processed for evidence.

This is not to say that there were no conflicts. There were, but they were resolved, in virtually every case, to the mutual satisfaction of all of those concerned. We have seen too many cases in the past where an investigative agency or a rescue unit squabbled in private (and sometimes in public) over "my crime scene" or "our rescue mission." That this natural source of conflict did not overwhelm or dissipate the Oklahoma City effort is a tribute to the good sense and reason of those involved.

The one central problem which emerged in Oklahoma City was that of communications. From the initial first response effort through the final body recovery, it was noted that the many different radio frequencies and institutional policies in play all too often left many participants in the effort in the dark concerning vital decisions that should have been shared universally. This was remedied in part -- but only in part -- by the creation of a unified command center which invited key representatives from all of the agencies involved to frequent information briefings and discussions on tactics.

Ironically, local agencies were in some ways better equipped to overcome this "communications gap" than their federal counterparts, thanks to a quirk of geography. Because central Oklahoma is located dead-center in what is called "tornado alley," our public safety and emergency medical agencies had planned and even drilled for a large mass casualty incident in the past. They had on hand mobile command posts with some (though not all) interlocking radio capabilities. They also had the distinct advantages of familiarity with each other's basic operating procedures, local geography, even what local companies might be able to bring a large crane to the site on that first night to begin the search for buried victims. Time after time, I saw federal officials turn to local fire and police personnel and ask for assistance that only they could give.

I want to encourage the Subcommittee to maintain close contact with General Dennis Reimer at the Oklahoma City National Memorial Institute for the Prevention of Terrorism, which was a direct outgrowth of our experiences in Oklahoma City and a co-sponsor of the *Dark Winter* exercise. No one has more information drawn directly from field experience of how to blend the many levels of responders together in an seamless a way as possible to react to a terrorist attack.

3. The rapid and accurate flow of information -- both internally among government agencies and externally to the public -- is absolutely essential.

Because the Murrah Building was located in downtown Oklahoma City, for all to see, we immediately stumbled into the right answer to the eternal question, How much do we tell the public? That answer is simple -- We tell them everything that does not need to be safeguarded for valid reasons of security.

I know you will all recall the steady, 24-hour broadcasts and news dispatches that came from Oklahoma City in the first days after the 1995 bombing. Our policy was to conduct regular media briefings on everything from body counts to alerts involving the composite drawings of the principal suspects in the bombing, and the results were in virtually all cases positive. Certainly many aspects of the criminal investigation were not disclosed in those early days. The Oklahoma City Fire Department and the Office of the Chief Medical Examiner carefully controlled release of information concerning the dead to assure that families were fully notified before victim identities were made public. We did not allow open media access to the interior site itself for reasons of safety and efficiency. But in almost every other

instance, our decision was in favor of openness and candor, and the results are very clear. I continue to receive letters, more than six years later, from Americans who have a permanently positive impression of how the bombing was handled.

In the *Dark Winter* exercise, many decisions concerning the release of information went in a different direction. From my own service in Washington, I know there exists an instinct for secrecy, and urge to classify, that often bears little relation to the realities of the moment. This happened in *Dark Winter* too. I believe that was, and is, a mistake, especially in a situation where bioterrorism was involved. Americans expect and deserve to be told the truth by government at all levels when their safety is at stake. Certainly I do not counsel revealing matters that would endanger national security or ongoing criminal investigations, but when the question is one between candor and secrecy in a matter of enormous public interest, and absent a clear and compelling reason for secrecy, candor should be the chosen option.

Our *Dark Winter* participants too often opted to conceal or obscure where openness would have done no harm -- and where it would have increased public confidence. To cite a clear and compelling example of why this is true, contrast the high public approval of the FBI's successful identification and prosecution of Timothy McVeigh in the Oklahoma City bombing with the Bureau's present image problems related, in large part, to inept handling of documentation in that case. Simply put, the FBI was remarkably open -- and praised -- as it identified, caught and prosecuted McVeigh; it was closed, and justifiably mistrusted, when it misplaced the files.

Government at all levels earns the trust of those it serves every day. It does not merit that trust if it is overly secretive.

4. Experts are called experts for a reason -- rely on them.

In Oklahoma City, the agency best equipped to handle the removal, identification and processing of the 168 people killed in the bombing was the Office of the Chief Medical Examiner, which did an outstanding job. I recall at least one federal official with some experience in mass casualty incidents assuring the staff from the ME's office that they would "never" be able to identify all of the victims. In fact they did so, with vast cooperation from local funeral directors, dentists, physicians and many others who worked countless hours at a most heartrending and often distasteful task. They were the experts, and they did their job well.

That was also true of the crane operators who helped remove the rubble, the federal agents who identified the explosive components, and many others. People work for many years to acquire skills; agencies involved in responding to a terrorist attack should let them do their jobs.

In *Dark Winter*, the obvious agency with the expertise to isolate and identify the smallpox microorganism was the Centers for Disease Control in Atlanta. The experts in potential delivery systems were chemists and physicists. Those best equipped to identify Iraqi origins for the terrorist act were from the intelligence field.

Conversely, those best qualified to assess what (and how) information is to be publicly released are the communications professionals. When a building is badly damaged by a bomb, engineers and architects play a central role; when germs are released on the public, doctors must be involved. In responding to any terrorist attack, supervising agencies should rely on the experts in their respective fields, and not seek to concentrate decision making powers above and removed from the level where those experts can be heard.

5. Resist the urge to federalize everything.

Perhaps the strongest lesson from Oklahoma City -- and perhaps the most worrisome outcome from the Dark Winter exercise -- concerns the almost instinctive urge common to officials of federal agencies and the military to open the federal umbrella over any and all functions or activities. Simply put, the federal government all too often acts like the 500 pound gorilla.

In Dark Winter, we encountered this tendency as soon as state National Guard units were activated in response to the bioterrorist attack. The function of those units -- imposing curfews and quarantines and keeping public peace -- were exclusively local in nature. Still, many of the participants sought to call the Guard into federal service immediately. I want to thank Senator Nunn, who played the role of the President in the exercise, for resisting this temptation and deciding not to federalize the Guard.

Federalizing makes sense when the mission is largely federal in nature -- for example, a combat environment or an overseas deployment -- but not when the mission remains largely local. I noted that I failed to see how a National Guard company, led by a local captain and staffed by local residents who had assembled at the local armory for duty, would perform in any different manner if it were formally inducted into federal service. My experience following the Oklahoma City bombing was that members of the Oklahoma Army and Air National Guards called to service did an excellent job under state control. In fact, the very first makeshift memorial to the dead was created near the Murrah Building site, along a security fenceline, by Air Guard personnel who were mourning the deaths of their neighbors. The Guard blended well with other agencies, both local and federal. Its members took special pride in serving their Oklahoma neighbors as members of the *Oklahoma* Guard.

Certainly if a Guard formation cannot perform well, or if it requires specialized training or equipment to discharge its role in response to a terrorist incident, it should be promptly federalized. Equally surely, many components of the national response to an attack like that proposed in *Dark Winter* must be largely federal in nature -- from the gathering of intelligence that pointed to an Iraqi connection to the formulation for diplomatic and military responses. But that does not mean that every part of the broad response must or should originate at the federal level, or that federal officials should assume supremacy in every aspect of the response, or that the military response should trump the humanitarian response. It was a deputy sheriff who jotted down the number from a mangled truck axle that, ultimately, brought McVeigh to justice. It was a surgeon from a state hospital who crawled into the Murrah rubble to amputate a trapped victim's leg as local police officers and firefighters held lights and moved obstacles. Oklahomans carried the first injured out of the building on April 19, and three weeks later they recovered the last of the dead. They continue to staff mental health and counseling services -- funded in part by federal sources -- to help with the healing.

My experiences in Oklahoma City in 1995, and my participation in *Dark Winter* this year, both taught me some valuable lessons.

Train and equip your first responders, for they are the front line in meeting the terrorist threat.

Search for ways to support teamwork *before* an incident, and emphasize that teamwork after.

Tell the truth, and be candid with the people we are working to protect and serve.

Trust the experts to do what they know best.

Perhaps most important, we should not repeal the basic American doctrine of posse comitatus, which states that local authority and autonomy must not be superseded by federal or military power. Certainly there are functions which are best performed by federal agencies, including those which deal with public health and epidemiology, or with criminal investigations that cross jurisdictional lines. But the first line of defense against terrorism in any form is and will remain the local police officer, firefighter, paramedic and public health official. The surest proof of that is the tragic roll call of heroes and heroines from the World Trade Center on September 11; they were all members of the New York City Police and Fire Departments.

The response to terrorism does not begin and end in Washington. Trust local governments, local agencies and local citizens to do the right thing, because in the end, they are the real targets of terrorism, whether it's a bomb in front of a building filled with ordinary Americans or a germ unleashed on their neighbors.

I thank the Subcommittee for your time and for your kind invitation.